

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FREEDOM MORTGAGE CORPORATION,

Plaintiff,
-against-

STORY V. ELMORE-HERNANDEZ, and
BLANCHE ROBERTSON,

Defendants.

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**ORDER ADOPTING REPORT
AND RECOMMENDATION
18-CV-1840 (DRH)(SIL)**

Presently before the Court is the Report and Recommendation of Magistrate Judge Steven I. Locke, dated May 8, 2019, recommending that Freedom Mortgage's motion for default judgment of foreclosure and sale be decided as follows: (1) default judgment against Elmore-Hernandez be granted to the extent that Plaintiff be awarded (a) \$294,711.76 for the Unpaid Principal Balance on the Note; (b) \$17,971.36 in accrued interest, plus per diem interest of \$29.27 until judgment is entered, and post-judgment interest pursuant to 28 U.S.C. § 1961(a); (c) \$110.12 for pre-acceleration late charges; (d) \$1,493.38 for fees and disbursements; and (e) \$1,737.50 in attorney's fees;; (2) default judgment against Elmore-Hernandez be denied, without prejudice and with leave to renew upon the submission of the appropriate supporting documentation, to the extent it requests for reimbursement of taxes, insurance, property inspections and preservation; (3) the motion for default judgment against Robertson be denied without prejudice and with leave to renew and (4) Freedom Mortgage's Proposed Judgment of Foreclosure and Sale be denied without prejudice and with leave to renew upon the submission of documentation demonstrating that Plaintiff is entitled to a Judgment of Foreclosure and Sale against Robertson.

More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Therefore, the Court adopts the May 8, 2019 Report and Recommendation of Judge Locke as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for a default judgement and judgment of foreclosure and sale is decided as follows: (1) default judgment against Elmore-Hernandez is granted to the extent that Plaintiff be awarded (a) \$294,711.76 for the Unpaid Principal Balance on the Note; (b) \$17,971.36 in accrued interest, plus per diem interest of \$29.27 until judgment is entered, and post-judgment interest pursuant to 28 U.S.C. § 1961(a); (c) \$110.12 for pre-acceleration late charges; (d) \$1,493.38 for fees and disbursements; and (e) \$1,737.50 in attorney's fees;; (2) default judgment against Elmore-Hernandez is denied, without prejudice and with leave to renew upon the submission of the appropriate supporting documentation, to the extent it requests for reimbursement of taxes, insurance, property inspections and preservation; (3) the motion for default judgment against Robertson is denied without prejudice and with leave to renew and (4) Freedom Mortgage's Proposed Judgment of Foreclosure and Sale is denied without prejudice and with leave to renew upon the submission of documentation demonstrating that Plaintiff is entitled to a Judgment of Foreclosure and Sale against Robertson.

Dated: Central Islip, N.Y.
July 2, 2019

/s/ Denis R. Hurley
Denis R. Hurley
United States District Judge